

1 David K. Callahan, *Pro Hac Vice*  
2 Alison R. Aubry, *Pro Hac Vice*  
3 Kirkland & Ellis LLP  
4 200 East Randolph Drive  
5 Chicago, IL 60601-6636  
Telephone: (312) 861-2000  
Facsimile: (312) 861-2200

6 John Ray Nelson, WSBA #16393  
7 Foster Pepper PLLC (Local Counsel)  
8 422 W. Riverside, Suite 1310  
Spokane, WA 99201-0302  
Telephone: (509) 777-1600  
Facsimile: (509) 777-1616

10 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

14 EMERGIS TECHNOLOGIES, INC., f/k/a }  
15 BCE EMERGIS TECHNOLOGIES, INC., }  
16 Plaintiff, }  
17 v. }  
18 AVISTA CORPORATION, }  
19 Defendant. )  
20  
21

No. CV-06-023-RHW

PLAINTIFF'S FRCP 41(a)(1)(i)  
NOTICE OF DISMISSAL

22 TO: The Clerk of the Court; and

23 TO: Defendant Avista Corporation and its counsel, J. Christopher Lynch  
24 of Preston Gates & Ellis LLP

25  
26  
PLAINTIFF'S FRCP 41(a)(1)(i) NOTICE  
OF DISMISSAL - 1

FOSTER PEPPER PLLC  
422 W. RIVERSIDE, SUITE 1310  
SPOKANE, WASHINGTON 99201-0302  
PHONE (509) 777-1600 FAX (509) 777-1616

1 Please take Notice that Plaintiff EMERGIS TECHNOLOGIES, INC., f/k/a  
2 BCE EMERGIS TECHNOLOGIES, INC., by and through its undersigned counsel,  
3 is hereby dismissing its Complaint in this action, and all claims therein, with  
4 prejudice, with each party to bear its own costs and attorneys' fees. This Notice of  
5 Dismissal is provided and filed pursuant to Fed. R. Civ. P. 41(a)(1)(i). By his  
6 signature below, Counsel for the Plaintiff certifies that no Answer or Motion for  
7 Summary Judgment has been served by any adverse party as of the date of this  
8  
9 Notice.

10 Date: June 12, 2006

11 12 Foster Pepper PLLC

13 14 \_\_\_\_\_ /s/  
15 16 John Ray Nelson, WSBA No. 16393  
Local Counsel

17 **Of Counsel**

18 David K. Callahan  
19 KIRKLAND & ELLIS LLP  
20 200 East Randolph Drive  
Chicago, Illinois 60601  
21 Telephone: (312) 861-2000  
Facsimile: (312) 861-2200

22 Counsel for Plaintiff  
23 Emergis Technologies, Inc.

24  
25  
26  
PLAINTIFF'S FRCP 41(a)(1)(i) NOTICE  
OF DISMISSAL - 2

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**CERTIFICATE OF SERVICE**

I, Pam McCain, certify that on June 12<sup>th</sup>, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all counsel of record.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Spokane, Washington, this 12<sup>th</sup> day of June, 2006.

s/ Pam McCain

Pam McCain

PLAINTIFF'S FRCP 41(a)(1)(i) NOTICE  
OF DISMISSAL - 3

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